

**REMARKS:**

In accordance with the foregoing, claims 1, 4, 8, 9, 10-12 have been amended. No new matter has been added. Thus, claims 1-12 are pending and under consideration. The rejections are traversed below.

**AMENDMENT TO THE SPECIFICATION:**

Specific portions of the Specification are herein amended to clarify that “feature point” refers to “characteristic point”.

Applicants respectfully request that the amendments be entered.

**REJECTION OF CLAIM 8 UNDER 35 U.S.C. §112~~1~~2:**

Claim 8 has been amended to read, “eliminating an existing file if insufficient space exists when the application program is executed” to comply with the requirements of §112~~1~~2.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection.

**REJECTION UNDER 35 U.S.C. §103(a):**

Claims 1-12 are rejected under 35 USC §103(a) as being unpatentable over various combinations of the following: Donohue (U.S. Patent No. 6,199,204), Davis et al. (U.S. Patent No. 6,282,712), Chan et al. (U.S. Patent No. 5,276,881), Hocker et al. (U.S. Patent No. 5,943,678), and Reisman (U.S. Patent Application No. 2002/0124055). The rejection is respectfully traversed.

Donohue discusses a mechanism for automating distribution of updates of computer programs upon determining that updating a computer program is necessary by comparing a version of the computer program with contents of an update list. In Donohue, a version of the computer program is compared with the contents of an update list made public on a network to determine whether an update is necessary (see, Column 11, lines 26-67 of Donohue). An updater component of Donohue indicates information for identifying one or more locations and includes a product identifier of the computer program product, where the updater component provides the product identifier to a search engine to serve as a search parameter for use by the search engine to identify network locations (see, columns 18-19 of Donohue). This means that Donohue is limited to distributing software updates based on a predefined update criteria by conducting a search of available product updates using product identifiers and release numbers (see, column 8, lines 26-36 of Donohue).

Davis et al. discusses an automatic software installation on heterogeneous networked computer systems based on a listing of hardware and software inventory information of the computers. The Examiner acknowledges that the Donohue method is limited to extracting and installing software only when a predefined criteria is met, thus relies on David et al. as teaching installation of software regardless of a predefined criteria. However, Davis et al. is limited to installing software based on a listing of hardware and software inventory information of computers in a distributed network (see, column 8, lines 12-17 and Table 1 of Davis et al.).

Chan et al. discusses a computer software compiler system for distributing a machine independent computer program, created on a native computer platform, to heterogeneous target computer platforms. Chan et al. mentions that some standard functions are defined as function-like macros on some computer platforms but not on others, and certain library functions are implemented either by a real function or a function-like macro (see, column 46, lines 57-62 of Chan et al.). Chan et al. also states that such library function names must be replaced by unique keywords using function-like macro definitions in the modified ANDF version of the header file (see, column 46, lines 64-67 of Chan et al.).

Hocker et al. discusses retrieving prior versions of an application, database, or other function. In Hocker et al., a user is allowed to examine older versions of the data without confusing older data with present data (see, column 2, lines 51-53 of Hocker et al.). Hocker et al. determines using "...geometrical calculations known to those skilled in the art, that the source icon was dragged to the VTT icon", and then "a list of prior versions, sorted for example by date, of the application, database, or other information" is displayed (see, column 2, lines 62-67 of Hocker et al.). This means that Hocker et al. is limited to obtaining a list of prior versions of applications using geometrical calculations.

Reisman discussess operating a user station configured for communications with a multiplicity of independently-operated data sources via a non-proprietary network. More specifically, Reisman uses user-entered or vendor-entered product identification to schedule software updates periodically (see, paragraphs 0047-0050 of Reisman).

In contrast, the present invention analyzes a data file to determine or extract a feature (characteristic) point for selecting a version of an application program suitable for the data file. More specifically, amended independent claim 1 recites, "extracting a feature point of a data file after analyzing the data file" and "selecting a version of an application program suited for the data file based on the extracted feature point" of the data file. Further, amended independent claims 4, 9, 10-12 recite, "extracting at least one of a plurality of feature points" of at least "two

data files” (claims 4, 9 and 10) or “a data file” (claims 11 and 12) and selecting a version of the application program. The combination of Donohue and Davis et al. does not teach or suggest, “extracting a feature point(s) of a data file(s)” and “selecting a version of the application program... based on the feature point(s)”, as recited in each of the independent claims 1, 4, 9, 10-12 of the present invention.

It is submitted that the independent claims 1, 4, 9, 10-12 are patentable over the combination of Donohue and Davis et al.

For at least the above-mentioned reasons, claims depending from independent claims 1, 4, 9, 10-12 are patentably distinguishable over the combination of Donohue and Davis et al. The dependent claims are also independently patentable. For example, as recited in claim 3, the feature point extracted after *analyzing* the data file is “a syntax pattern of the macro instruction included in the data file” and “the version of the application program is decided by detecting the syntax pattern specific to each version”. Further, as recited in claim 7, the installation of “a corresponding application program is executed when an application program corresponding to the data file does not exist”. The combination of Donohue and Davis et al. does not teach or suggest, analyzing the data file(s) (independent claims 1 and 4) where the feature point extracted is “a syntax pattern of the macro instruction included in the data file” and where “a corresponding application program is executed when an application program corresponding to the data file does not exist”, as recited in dependent claims 3 and 7, respectively.

The Applicants also assert that dependent claims 2, 5, 6 and 8 depending from independent claims 1 or 4 are patentably distinguishable over various combinations of the references.

Claims 5 and 6 recite, “the readable data file is displayed with a different symbol figure by each version corresponding to the application program” and “only the readable data file corresponding to a version of the application program is displayed when the application program is selected”, respectively. The combination of Donohue, Davis et al. and Hocker et al. does not teach or suggest, “extracting a feature point(s) of a data file(s)” (independent claims 1 and 4) where “the readable data file is displayed with a different symbol figure...” and “only the readable data file corresponding to a version of the application program is displayed when the application program is selected”, as recited in dependent claims 5 and 6.

Further, the combination of Donohue, Davis et al. in view of Chan et al. or Hocker et al. does not teach or suggest, the feature point extracted from the data file is “a reserved word of a

macro instruction included in the data file" (claim 2), and "eliminating an existing file if insufficient space exists when the application program is executed" (claim 8).

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

In accordance with the foregoing, claims 1, 4, 8, 9, 10-12 have been amended. Claims 1-12 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

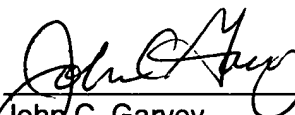
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1-3-05

By:   
John C. Garvey  
Registration No. 28,607

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501